

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of )  
Comcast Cable Communications, LLC, )  
on behalf of its subsidiaries and affiliates )  
 )  
For Determination of Effective Competition in: )  
Cimarron, NM (NM0107) )

CSR No. \_\_\_\_\_

To: Office of the Secretary  
Attn: Chief, Media Bureau

**PETITION FOR SPECIAL RELIEF**

Comcast Cable Communications, LLC, on behalf of its subsidiaries and affiliates (“Comcast”), pursuant to Sections 76.7 and 76.907 of the Commission’s rules,<sup>1</sup> requests that the Commission find that Comcast faces “effective competition” in above-referenced New Mexico franchise area (the “Franchise Area”).

The Communications Act of 1934, as amended (the “Act”), and the Commission’s rules provide that cable television rates may be regulated only in the absence of effective competition.<sup>2</sup> Cable operators are entitled to demonstrate that effective competition exists on a franchise-by-franchise basis.<sup>3</sup> When a cable operator demonstrates that effective competition exists within a franchise area, cable rates in the affected area are no longer subject to regulation.<sup>4</sup>

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<sup>1</sup> 47 C.F.R. §§ 76.7 and 76.907.

<sup>2</sup> 47 U.S.C. § 543(a)(2); 47 C.F.R. § 76.905(a).

<sup>3</sup> 47 C.F.R. § 76.907.

<sup>4</sup> See *Implementation of Sections of the Cable Television Consumer Protection and Competition Act of 1992, Rate Regulation*, 8 FCC Rcd. 5631, 5664-5665 (1993) (“Rate Order”).

Under the “competing provider” test set forth in Section 623(1)(1)(B) of the Act and Section 76.905(b)(2) of the Commission’s rules (the “Competing Provider Test”), a cable system will be deemed subject to effective competition if:

- (i) the franchise area is served by at least two unaffiliated multichannel video programming distributors (“MVPDs”), each of which offers comparable programming to at least 50 percent of the households in the franchise area; and
- (ii) the number of households subscribing to multichannel video programming other than the largest MVPD exceeds 15 percent of the households in the franchise area.<sup>5</sup>

As demonstrated below, the Competing Provider Test is satisfied in the Cimarron Franchise because two unaffiliated MVPDs serve over 50 percent of the Franchise Area’s households with comparable programming and the reported penetration rate for DBS providers exceeds the 15 percent threshold in the Franchise Area.

#### **I. THE COMPETING PROVIDER TEST IS SATISFIED IN THE FRANCHISE AREA**

The two prongs of the Competing Provider Test are straightforward and objective. Both prongs of this test clearly are satisfied in the Franchise Area.

##### **A. More Than Two Unaffiliated MVPDs Offer Programming Comparable to Comcast to Over 50 Percent of the Households in the Franchise Area.**

The first prong of the Competing Provider Test requires that a franchise area must be served by “at least two unaffiliated multichannel video programming distributors...”<sup>6</sup> This requirement is easily satisfied, because the two major direct broadcast satellite providers (DirecTV, Inc. and Dish Network, Corp.) (“DBS Providers”) are unaffiliated with Comcast and

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<sup>5</sup> 47 U.S.C. § 543(1)(1)(B)(i) and (ii); 47 C.F.R. § 76.905(b)(2)(i) and (ii).

<sup>6</sup> 47 U.S.C. § 543(1)(1)(B)(i); 47 C.F.R. § 76.905(b)(2)(i). Section 602 of the Communications Act of 1934, as amended, defines “multichannel video programming distributors” to include cable operators, as well as DBS and MMDS providers. *See* 47 U.S.C. § 522(13).

“offer” programming that is comparable to Comcast to more than 50 percent of the households in Comcast’s Franchise Area.

Service of an MVPD will be deemed “offered” when it is both technically and actually available.<sup>7</sup> The Commission has determined that DBS service is presumed to be “technically available” throughout the country due to its nationwide satellite footprint.<sup>8</sup> Comcast’s Franchise Area is well within the satellite footprint of DirecTV and Dish Network. Thus, both DirecTV and Dish Network are “technically available” in the Franchise Area.

DBS service is presumed to be “actually available” if households in a franchise area are made “reasonably aware” that the service is available.<sup>9</sup> The Commission has stated that “a party may use evidence of penetration rates in the franchise area (the second prong of the competing provider test ...) coupled with the ubiquity of DBS services to show that consumers are

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<sup>7</sup> *Rate Order* ¶ 29.

<sup>8</sup> *See MediaOne of Georgia, Inc.; Petition for Revocation of the Certification of Gwinnett County, Georgia*, 12 FCC Rcd. 19406, ¶ 5 n.16 (1997) (citing *Rate Order*, at 5660-5661).

<sup>9</sup> *See Rate Order* ¶ 32 (citations omitted). *See also Charter Communications, LLC d/b/a Charter Communications Petition for Determination of Effective Competition in Fourteen North Carolina Communities, et al*, 19 FCC Rcd. 7003, ¶ 4 (2004).

reasonably aware of the availability of DBS service.”<sup>10</sup> The same reasoning applies here.

DirecTV and Dish Network are among the largest MVPDs in the nation.<sup>11</sup> With approximately 33.8 million subscribers nationwide,<sup>12</sup> comprising over 33 percent of all MVPD subscribers,<sup>13</sup> ubiquitous advertising, and the substantial DBS penetration figures in the Franchise Area, it is clear that consumers in the Franchise Area are “reasonably” aware of the availability of DBS competitors.<sup>14</sup> Accordingly, both DirecTV and Dish Network are presumed to be “actually

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<sup>10</sup> *Comcast Cable Communications, LLC Petition for Determination of Effective Competition in Various Michigan Communities*, 23 FCC Rcd. 9595, ¶ 5 (2008), citing *Mediacom Illinois LLC et al., Eleven Petitions for Determination of Effective Competition in Twenty-Two Local Franchise Areas in Illinois and Michigan*, 21 FCC Rcd. 1175 (2006) (“*Comcast – Various Michigan Communities*”). Thus, the Commission has not required the production of advertising to demonstrate that households in the franchise area are “reasonably aware” of the availability of DBS service. See *Bright House Networks, LLC Petition for Determination of Effective Competition (Lake Alfred and Dundee FL)*, 22 FCC Rcd. 4390, ¶ 6 (2007) (“Over more than ten years, we have made hundreds of findings that households in particular franchise areas are reasonably aware that they may purchase DBS services based on localized evidence. These accumulated showings amount to substantial evidence that households in all franchise areas are reasonably aware that they may purchase DBS services. In at least one earlier reported decision, we found households in a franchise area to be reasonably aware that they may purchase DBS service solely based on evidence of DBS's nationwide growth and local subscriptions, without reference to advertising or other promotion.”) (“*Bright House Networks – Florida*”).

<sup>11</sup> See *Thirteenth Annual Assessment of the Status of Competition in the Market for the Delivery of Video Programming*, MB Docket No. 06-189, FCC 07-206, ¶ 76 (rel. Jan. 16, 2009).

<sup>12</sup> See Press Release, DirecTV Inc., *DirecTV Announces Fourth Quarter and Full Year 2011 Results* (Feb. 16, 2012) (reporting that, as of December 31, 2011, DirecTV (US) had 19.9 million subscribers), available at <http://investor.directv.com/releasedetail.cfm?ReleaseID=649162>; See Press Release, Dish Network, *Dish Network Reports Fourth Quarter and Year End 2011 Financial Results* (Feb. 23, 2012) (reporting that, as of December 31, 2011, Dish Network had approximately 13.97 million subscribers), available at <http://press.dishnetwork.com/press-releases/dish-network-reports-fourth-quarter-and-year-end-2-nasdaq-dish-0855001>.

<sup>13</sup> Georg Szalai, *Pay TV Operators Added 300,000 Subscribers in Fourth Quarter*, The Hollywood Reporter, March 19, 2012 (citing SNL Kagan report of 100.31 million video subscribers by the end of 2011), available at <http://www.hollywoodreporter.com/news/pay-tv-operators-added-subscribers-fourth-quarter-snl-kagan-showtime-starz-hbo-301624>.

<sup>14</sup> See, e.g., *Comcast – Various Michigan Communities* ¶ 5; *Bright House Networks – Florida* ¶ 6.



available” in the Franchise Area, and are offered to over 50 percent of the households in the Franchise Area.

The Competing Provider Test also requires that the programming offered by the competing provider must be “comparable” to the programming offered by the cable operator.<sup>15</sup> The Commission’s rules define comparable programming as “at least 12 channels of video programming, including at least one channel of nonbroadcast service programming.”<sup>16</sup> The Commission has repeatedly recognized that the DBS Providers offer comparable programming under the Commission’s Competing Provider Test.<sup>17</sup> Each of the DBS Providers offer well over 100 video channels, most of which are non-broadcast services.<sup>18</sup> And, as shown in the attached channel line-up, Comcast’s programming service offerings in the Franchise Area are substantially similar to the DBS Providers’ programming services.<sup>19</sup>

Based on the above facts, Comcast has satisfied the first prong of the Competing Provider Test.

**B. The Competing Providers Serve Greater Than 15 Percent of the Households In Comcast’s Franchise Area.**

The second prong of the Competing Provider Test requires that the subscriber base of competing MVPDs, other than the largest MVPD, exceeds 15 percent of franchise area households.

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<sup>15</sup> See 47 U.S.C. § 543(1)(1)(B)(i); 47 C.F.R. § 76.905(b)(2)(i).

<sup>16</sup> 47 C.F.R. § 76.905(g).

<sup>17</sup> See, e.g., *Comcast Cablevision of Maryland, Inc., Petitions for Determination of Effective Competition (Charles County, MD)*, 19 FCC Rcd. 7130, ¶ 4 (2004) (“We find that the programming of DBS providers satisfies the Commission’s program comparability criterion because DBS providers offer more than 12 channels of video programming, including more than one non-broadcast channel.”).

<sup>18</sup> See Channel Line-ups of DirecTV and Dish Network, attached hereto as Exhibit 1.

<sup>19</sup> See Comcast Channel Line-up, attached hereto as Exhibit 2.

DBS Providers track their subscribers according to the zip codes where each subscriber resides, rather than by political jurisdiction. In this case, Comcast relied on ZIP+4 codes associated with the Franchise Area in order to determine the number of DBS subscribers within the Franchise Area. The Commission has previously accepted ZIP+4 codes as “reasonable and sufficiently reliable for purposes of determining the presence of effective competition,”<sup>20</sup> and stated its preference for this approach.<sup>21</sup>

To determine the relevant ZIP+4 codes for the Franchise Area, Comcast contacted Media Business Corp. (“MBC,” previously known as “SkyTrends”). MBC has developed a process to accurately identify the ZIP+4 codes that correspond with the political boundaries of a particular community. This process utilizes enhanced mapping software that correlates ZIP+4 codes with the U.S. Census Department’s “block group” level households. The “block group” measurement is the most precise Census tool available to measure households within a very small geographical area. With this software, MBC was able to identify the ZIP+4 codes that lie within the Franchise Area.<sup>22</sup>

Comcast next provided all of the ZIP+4 codes for the Franchise Area to the Satellite Broadcasting and Communication Association (“SBCA”). SBCA is the national trade association representing the two major DBS Providers, and it has assumed the responsibility for

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<sup>20</sup> See *Cable One, Inc. Petition for Determination of Effective Competition in Pocatello, Idaho*, 18 FCC Rcd. 12792, ¶ 8 (2003), quoting *Falcon Cable Systems II, a California Limited Partnership, d/b/a Charter Communications Petition for Determination of Effective Competition in Twelve Oregon Cities*, 17 FCC Rcd. 4648 (2002).

<sup>21</sup> See Public Notice, “Commission Announces New Standards for Showings of Effective Competition For Cable Service,” 23 FCC Rcd. 12067 (2008). The Commission stopped short of requiring ZIP+4 evidence in effective competition cases. See Public Notice, “Commission Clarifies Standards for Evidence of Competing Provider Effective Competition for Cable Service,” DA 09-1361, 24 FCC Rcd. 8198 (2009).

<sup>22</sup> See Letter from MBC (explaining ZIP+4 methodology), attached hereto as Exhibit 3.

compiling subscribership data and responding to data requests from cable operators and franchising authorities engaged in effective competition proceedings. The DBS subscriber numbers reported in the attached Effective Competition Tracking Reports (“ECTR”) from SBCA reflect the total DBS subscribers within the individual ZIP+4 codes associated with the Franchise Area.<sup>23</sup>

Finally, Comcast compared the DBS subscribership figures reported by SBCA on a ZIP+4 basis with its own subscribership, and was able to confirm that Comcast serves in excess of 15 percent of the households, while DBS Providers serve in excess of 42 percent. The Commission has recognized that where “the subscribership penetration for both [the cable operator] and the aggregate [competing provider] information each exceed 15 percent in the franchise area, the second prong of the competing provider test is satisfied.”<sup>24</sup> Thus, it is immaterial in this Franchise Area which MVPD is the largest, because both competing providers (as shown below) and cable readily pass the 15 percent threshold.

To determine whether DBS subscribership exceeds the statutorily mandated 15 percent threshold in the Franchise Area, Comcast compared the competing providers’ subscribership to the most recent U.S. Census occupied household unit figures for the community.<sup>25</sup> This comparison yields the penetration rate for DBS Providers in the Franchise Area.

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<sup>23</sup> See Exhibit 4 (providing total ZIP+4-based DBS subscribership for the Franchise Area, as well as all ZIP+4 data relied on in the Petition).

<sup>24</sup> See *Charter Communications – Seven Local Franchise Areas In Missouri*, 21 FCC Rcd. 1208, ¶ 5 (2006).

<sup>25</sup> 2010 Census Data household data figures are available at <http://factfinder2.census.gov>, the relevant pages of which are attached hereto as Exhibit 5.

As detailed in Exhibit 6, the subscriber rate for the DBS Providers in the Franchise Area exceeds the 15 percent threshold required under Section 623(1)(1)(B) of the Act. Accordingly, Comcast meets the second prong of the Competing Provider Test.

Because Comcast meets both prongs of the Competing Provider Test in the Cimarron Franchise Area, it faces effective competition in this Franchise Area.

### **CONCLUSION**

Comcast's cable system is subject to effective competition in the Franchise Area under the Competing Provider Test. Based on the evidence presented herein, Comcast respectfully requests that the Media Bureau issue an order acknowledging the presence of effective competition in the Cimarron, New Mexico Franchise Area as of the filing date of this Petition.

Respectfully submitted,

**Comcast Cable Communications, LLC**  
**on behalf of its subsidiaries and affiliates**

By: 

Frederick W. Giroux

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(202) 973-4200

September 11, 2012

Its Attorneys

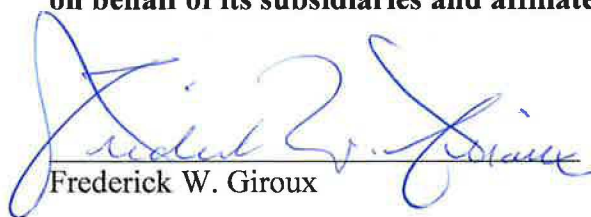
**CERTIFICATION PURSUANT TO 47 C.F.R. § 76.6(a)(4)**

The below-signed signatory has read the foregoing Petition for Special Relief, and to the best of my knowledge, information and belief formed after reasonable inquiry, it is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification or reversal of existing law; and is not interposed for any improper purpose.

Respectfully submitted,

**Comcast Cable Communications, LLC**  
**on behalf of its subsidiaries and affiliates**

By:



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September 11, 2012

Its Attorney



### DECLARATION OF WARREN FITTING

I, Warren Fitting, declare, under penalty of perjury that:

1. I am the Senior Director of Regulatory Accounting for Comcast Cable Communications, LLC ("Comcast").
2. I have read the foregoing Petition for Special Relief ("Petition") and am familiar with the contents thereof and the matters referred to therein.
3. I have reviewed Comcast's respective cable subscriber numbers for the Franchise Areas at issue in this Petition, as well as the DBS subscriber numbers provided by SBCA for the individual Franchise Areas as described in the Petition. In the Cimarron Franchise Area, the aggregate penetration rate for the competing providers, as well as the penetration rate for Comcast, exceeds 15 percent.
4. The facts contained within the Petition are true and correct to the best of my knowledge, information and belief.

September 5, 2012  
Date

Warren O. Fitting  
Warren Fitting

## **EXHIBIT 1**



# PREMIER package

## 285+ digital channels

Print channels for ZIP Code 17303 (No locals available)

PRINT

### EN ESPAÑOL

ONCE México*	447	Y-me*	440	mun2	410
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### NATIONALS

3net (HD)	107	Disney Channel (West)	291	Hope*	368	RFD TV	345
A&E	265	Disney XD	292	INSP	364	ReelzChannel	238
ABC Family	311	Documentary Channel	267	ION Television	305	SOAPnet	262
American Movie Classics (AMC)	254	E! Entertainment	236	ION Television West	347	Science Channel	284
Animal Planet	282	ESPN	206	Independent Film Channel (IFC)	559	ShopNBC	316
Audience Network	239	ESPN 3D (HD)	106	Investigation Discovery (ID)	285	Speed Channel	607
BBC America	264	ESPN2	209	Jewelry Television	313	Spike	241
BYU TV	374	ESPNEWS	207	Jewish Life Television*	366	Style	235
Big Ten Network	610	ESPNU	208	Lifetime	252	Syfy Channel	244
Biography Channel	266	EWTN	370	Lifetime Movie Network	253	TBS	247
Black Entertainment Television (BET)	329	Enlace Christian Television*	448	LinkTV	375	TCT Network	377
Bloomberg Television	353	FUEL TV	618	Logo	272	TNT	245
Boomerang	298	FX	248	MHz WORLDVIEW*	2183	TV Guide Network	273
Bravo	237	Food Network	231	MLB Network	213	TV Land	304
CBS Sports Network	613	Fox Business Network	359	MSNBC	356	TV One	328
CCTV-9	2053	Fox Movie Channel	258	MTV	331	TeenNick	303
CMT	327	Fox News Channel	360	MTV2	333	Tennis Channel	217
CNBC	355	Free Speech TV*	348	Military Channel	287	The Hub	294
CNBC World	357	Fuse	339	NASA TV	289	The Learning Channel	280
CNN	202	GEM NET (Global Expansion Media Network)*	2068	NBA TV	216	The Sportsman Channel	605
CSPAN 1	350	GOD TV	365	NFL Network	212	The Word Network	373
CSPAN 2	351	GSN, the network for games	233	NHL Network	215	Travel Channel	277
Cartoon Network (East)	296	Galavision	404	NRB	378	Trinity Broadcasting Network (TBN)	372
Cartoon Network (West)	297	GolTV HD English	620	Nat Geo WILD	283	TruTV	246
Centric	330	Golden Eagle Broadcasting*	363	National Geographic Channel	276	Turner Classic Movies (TCM)	256
Chiller	257	Golf Channel	218	Nick Jr.	301	USA Network	242
Christian Television Network (CTN)	376	Gospel Music Channel	338	Nickelodeon (East)	299	Univision	402
Church Channel	371	Great American Country	326	Nickelodeon (West)	300	VH1	335
Cloo	308	HZ	271	Nicktoons Network	302	VH1 Classic	337
Comedy Central	249	HD Theater	281	OWN	279	Versus	603
Cooking Channel	232	HDNet	306	Ovation TV	274	WE: Women's Entertainment	260
Current TV	358	HITN*	438	Oxygen	251	WGN America	307
DIY Network	230	Hallmark Channel	312	PBS	0	Weather Channel	362
Daystar	369	Headline News	204	PBS Kids Sprout	295	World Harvest Television	367
Discovery Channel	278	History Channel	269	Planet Green	286	n3D	103
Discovery Fit & Health	261	Home & Garden Television (HGTV)	229	Pursuit Channel	608		
Disney Channel (East)	290	Home Shopping Network	240	QVC	275		

### PREMIUMS

5STARMAX HD East	520	FLIX ON DEMAND®	1557	MoreMAX	517	STARZ® ON DEMAND	1527
@MAX HD East	523	FOX Deportes	624	Outdoor Channel	606	Showtime Beyond HD	550
ActionMAX HD	519	Flix	557	SHOWTIME	545	Showtime Next HD	551
Cinemax East	515	Fox Soccer Channel	619	SHOWTIME (West)	546	Showtime Women HD	552
Cinemax West	516	GolTV	620	SHOWTIME 2	547	Sundance Channel	558
ENCORE (East)	535	HBO (East)	501	SHOWTIME Extreme	549	Sundance ON DEMAND	1558
ENCORE (West)	536	HBO (West)	504	SHOWTIME ON DEMAND	1545	THE MOVIE CHANNEL™ ON DEMAND	1554
ENCORE Action	541	HBO 2 (East)	502	SHOWTIME Showcase	548	TMC Xtra HD East	556
ENCORE Drama	540	HBO 2 (West)	505	STARZ (East)	527	TVG - The Interactive Horseracing Network	602
ENCORE Family	542	HBO Comedy HD	506	STARZ (West)	528	The Movie Channel (East)	554

## PREMIUMS

ENCORE Love	537	HBO Family (East)	HD 507	STARZ Cinema HD	HD 531	The Movie Channel	555
ENCORE Suspense	539	HBO Family (West)	508	STARZ Comedy HD	HD 526	ThrillerMAX HD	HD 522
ENCORE Westerns	538	HBO Latino	HD 511	STARZ Edge	HD 529	WMAX HD East	HD 521
ENCORE ON DEMAND	1535	HBO Signature	HD 503	STARZ InBlack	HD 530		
ESPN Classic Sports	614	HBO Zone HD	HD 509	STARZ Kids & Family HD	HD 525		

## REGIONAL SPORT NETWORKS

Altitude Sports & Ent.	HD 681	FS Arizona	HD 686	FS South Plus (2)	HD 648	ROOT SPORTS Rocky Mountain	HD 683
Altitude Sports Alternate 682	HD 682	FS Cincinnati	HD 661	FS Southwest	HD 676	SportSouth	HD 649
CSN Bay Area	HD 696	FS Detroit	663	FS Southwest Plus	HD 677	SportSouth Plus	HD 650
CSN Bay Area Alternate 697	HD 697	FS Detroit Plus	HD 664	FS West	HD 692	SportsNet New York 639	HD 639
CSN California	HD 698	FS Florida	HD 654	MASN 640	HD 640	SportsTime Ohio 662	HD 662
CSN California alt 699	699	FS Florida Plus	HD 655	MSG Plus 635	HD 635	Sun Sports	HD 653
CSN Chicago Alt. #2	667	FS Midwest	HD 671	Madison Square Garden 634	HD 634	Sun Sports Plus	HD 656
CSN MidAtlantic Alt.	HD 643	FS North	HD 668	NESN 628	HD 628	Yankee Ent. & Sports (YES) 631	HD 631
CSN MidAtlantic 642	HD 642	FS Ohio	HD 660	Prime Ticket	HD 694		
CSN New England 630	HD 630	FS South	HD 646	ROOT SPORTS Northwest	HD 687		
Comcast SportsNet Chicago 665	HD 665	FS South Plus	HD 647	ROOT SPORTS Pittsburgh	HD 659		

## SATELLITE RADIO

SONICTAP: 60's Revolution	803	SONICTAP: College Rock	831	SONICTAP: Italian Bistro Blend	881	SONICTAP: Regional Mexican	873
SONICTAP: 70's Hits	804	SONICTAP: Dance	859	SONICTAP: Italian Contemporary	882	SONICTAP: Retro Disco	845
SONICTAP: 8-Tracks	840	SONICTAP: Familiar Favorites	880	SONICTAP: Jazz	852	SONICTAP: Rock en Espanol	878
SONICTAP: 80's Hits	805	SONICTAP: Fiesta Tropical	870	SONICTAP: Latin Hits	871	SONICTAP: Salsa	874
SONICTAP: 90's Hits	806	SONICTAP: Flashback/New Wave	839	SONICTAP: Latin Jazz	879	SONICTAP: Showtunes	823
SONICTAP: Adult Alternative	832	SONICTAP: Folk Rock	813	SONICTAP: Light Classical	866	SONICTAP: Silky Soul	843
SONICTAP: Adult Contemporary	821	SONICTAP: Full Metal Jacket	830	SONICTAP: Love Songs	819	SONICTAP: Silver Screen	822
SONICTAP: Alternative	834	SONICTAP: Gospel Glory	827	SONICTAP: Malt Shop Oldies	802	SONICTAP: Singer-Songwriters	836
SONICTAP: Bailamos!	869	SONICTAP: Great Standards	855	SONICTAP: Mariachi	876	SONICTAP: Smooth Jazz	851
SONICTAP: Be-Tween	867	SONICTAP: Groove Lounge	824	SONICTAP: Metro Blend	853	SONICTAP: Soft Hits	849
SONICTAP: Beautiful Instrumentals	820	SONICTAP: Hair Guitar	829	SONICTAP: Modern Country	814	SONICTAP: Spike	841
SONICTAP: Big Band/Swing	801	SONICTAP: Hallelujah	828	SONICTAP: Modern Workout	860	SONICTAP: SubTerranean	858
SONICTAP: Bluegrass	812	SONICTAP: Hit Country	809	SONICTAP: Musica De Las Americas	872	SONICTAP: Symphonic	864
SONICTAP: Blues	854	SONICTAP: Holidays & Happenings	815	SONICTAP: New Age	856	SONICTAP: The Boombox	846
SONICTAP: Carnaval Brasileiro	877	SONICTAP: Honky Tonk Tavern	811	SONICTAP: Old School Funk	844	SONICTAP: The Playground	868
SONICTAP: Classic Hits Blend	837	SONICTAP: Hot Jamz	825	SONICTAP: PUMP!	861	SONICTAP: The Spirit	826
SONICTAP: Classic Jazz Vocal Blend	850	SONICTAP: Hottest Hits	818	SONICTAP: Piano	865	SONICTAP: Today's Hits	816
SONICTAP: Classic R&B	842	SONICTAP: Hurbano	875	SONICTAP: Rat Pack	807	SONICTAP: Traditional Country	808
SONICTAP: Classic Rock	833	SONICTAP: Hype	847	SONICTAP: Reality Bites	838	SONICTAP: Tranquility	884
SONICTAP: Classic Rock Workout	862	SONICTAP: Ink'd	835	SONICTAP: Red, Rock and Blues	810	SONICTAP: Y2k Hits	817
SONICTAP: Coffeehouse Rock	848	SONICTAP: Irish	883	SONICTAP: Reggae	863	SONICTAP: Zen	857

## LOCALS

WGAL (NBC)	HD 8	WHTM (ABC)	HD 27	WLYH (CW)	15	WPMT (FOX)	HD 43
WHP (CBS)	HD 21	WITF (PBS)	HD 33				

\*The following channels require a special dish or equipment: MHz, GEM NET, Hope Channel, JLTv, Once, HITN, V-Me, Enlace, Golden Eagle Broadcasting, and Free Speech TV. Please call 1-800-531-5000 for more information.

## THERE'S SOMETHING FOR EVERYONE

### America's Top 120

<b>A&amp;E</b>	<b>A&amp;E</b>	<b>HD</b>	<b>118</b>
<b>ABC</b>	<b>ABC Family</b>	<b>HD</b>	<b>180</b>
ALIVE	America Live		219
ANGEL	Angel One		282
ANGEL2	Angel Two		266
AXS	AXS TV	<b>HD ONLY</b>	131
BTU	Business Television		9802
BUY!	Buy!		221
<b>TOON</b>	<b>Cartoon Network (E) <sup>SAP</sup></b>	<b>HD</b>	<b>176</b>
<b>TOONW</b>	<b>Cartoon Network (W)</b>	<b>HD</b>	<b>177</b>
CCTVE	CCTV-E		884
CCNEWS	CCTV-News		265
CHRRCH	Church Channel		258
CMT	CMT	<b>HD</b>	108
CNBC	CNBC	<b>HD</b>	208
<b>CNN</b>	<b>CNN</b>	<b>HD</b>	<b>200</b>
<b>COMEDY</b>	<b>Comedy Central</b>	<b>HD</b>	<b>107</b>
CSPN2	C-SPAN2		211
DYSTR	Daystar		263
<b>DISC</b>	<b>Discovery Channel</b>	<b>HD</b>	<b>182</b>
<b>DISE</b>	<b>Discovery Channel (E) <sup>SAP</sup></b>	<b>HD</b>	<b>172</b>
<b>DISW</b>	<b>Discovery Channel (W)</b>	<b>HD</b>	<b>173</b>
DOC	Documentary Channel		197
<b>E!</b>	<b>E! Entertainment Television</b>	<b>HD</b>	<b>114</b>
<b>ESPN</b>	<b>ESPN</b>	<b>HD</b>	<b>140</b>
<b>ESPN2</b>	<b>ESPN2</b>	<b>HD</b>	<b>144</b>
ESNWS	ESPNWS		142
ESPNU	ESPNU		141
<b>FOOD</b>	<b>Food Network</b>	<b>HD</b>	<b>110</b>
<b>FX</b>	<b>FX</b>	<b>HD</b>	<b>136</b>
GEMS	Gems & Jewelry TV		229
<b>HGTV</b>	<b>HGTV</b>	<b>HD</b>	<b>112</b>
<b>HIST</b>	<b>History</b>	<b>HD</b>	<b>120</b>
HNN	HNN		202
HLN	HLN		404
HSN	HSN		84
HSN2	HSN2		226
ICTV	In Country Television		230
INSP	Inspiration Network		259
ION	ION (E)		216
IONW	ION (W)		217
JTV	Jewelry Television		227
LIFE	Lifetime	<b>HD</b>	108
MALL	Mall		220
<b>MTV</b>	<b>MTV</b>	<b>HD</b>	<b>160</b>
MTV2	MTV2		161
<b>NICK</b>	<b>Nick/Nick at Nite (E) <sup>SAP</sup></b>	<b>HD</b>	<b>170</b>
<b>NICKW</b>	<b>Nick/Nick at Nite (W)</b>	<b>HD</b>	<b>171</b>
PRAYR	Prayer		266
QVC	QVC		137
REELZ	ReelzChannel	<b>HD</b>	299
SALE	Sale		225
SHOP	Shop		224
SHNBS	ShopNBC		228
SBN	SonLife Broadcasting Network		257
<b>SPIKE</b>	<b>Spike TV</b>	<b>HD</b>	<b>168</b>
<b>SYFY</b>	<b>Syfy</b>	<b>HD</b>	<b>122</b>
<b>TBS</b>	<b>TBS</b>	<b>HD</b>	<b>139</b>
<b>TLC</b>	<b>TLC</b>	<b>HD</b>	<b>183</b>
<b>TNT</b>	<b>TNT</b>	<b>HD</b>	<b>138</b>
TRV	Travel Channel	<b>HD</b>	198
TVGAM	TV Game Network		405
TVGN	TV Guide Network		117
<b>TVLND</b>	<b>TV Land</b>	<b>HD</b>	<b>106</b>
<b>USA</b>	<b>USA</b>	<b>HD</b>	<b>105</b>
VH1	VH1	<b>HD</b>	182
<b>TWC</b>	<b>Weather Channel</b>	<b>HD</b>	<b>214</b>

<b>SiriusXM Music Channels</b>	
Hopper	99
All other receivers	8002-8099
<b>DishCD Music Channels</b>	
Hopper	98
All other receivers	950-981

### America's Top 200

includes all of America's Top 120 and the channels listed below.

<b>APL</b>	<b>Animal Planet</b>	<b>HD</b>	<b>184</b>
<b>BBCA</b>	<b>BBC America</b>	<b>HD</b>	<b>135</b>
<b>BET</b>	<b>BET</b>	<b>HD</b>	<b>124</b>
<b>BIG10</b>	<b>Big Ten Network<sup>1</sup></b>	<b>HD</b>	<b>439</b>
<b>BRAVO</b>	<b>Bravo</b>	<b>HD</b>	<b>129</b>
<b>CBSN</b>	<b>CBS Sports Network</b>	<b>HD</b>	<b>158</b>
<b>CURNT</b>	<b>Current TV</b>		215
<b>DISXD</b>	<b>Disney XD <sup>SAP</sup></b>	<b>HD</b>	<b>174</b>
<b>FOX</b>	<b>Fox Business Network</b>	<b>HD</b>	<b>208</b>
G4	G4		191
GLVSN	Galavisión		273
GOLF	Golf Channel		401
GSN	GSN		116
<b>HLMRK</b>	<b>Hallmark Channel</b>	<b>HD</b>	<b>188</b>
HUB	Hub		179
<b>ID</b>	<b>Investigation Discovery</b>	<b>HD</b>	<b>192</b>
<b>LMN</b>	<b>Lifetime Movie Network</b>	<b>HD</b>	<b>109</b>
MLBN	MLB Network		152
<b>MSNBC</b>	<b>msnbc</b>	<b>HD</b>	<b>209</b>
<b>NTGEO</b>	<b>National Geographic Channel</b>	<b>HD</b>	<b>188</b>
NBA TV	NBA TV		156
<b>NFL</b>	<b>NFL Network</b>	<b>HD</b>	<b>184</b>
NHLN	NHL Network		157
NKJR	Nick Jr.		189
NUVO	nuvoTV		167
OYATN	Ovation		291
OWN	OWN: Oprah Winfrey Network	<b>HD</b>	189
OYGN	Oxygen		127
RFD-TV	RFD-TV		231
<b>SCI</b>	<b>Science</b>	<b>HD</b>	<b>193</b>
SOAP	SOAPnet		253
SPEED	SPEED		160
<b>STYLE</b>	<b>Style</b>	<b>HD</b>	<b>115</b>
TNCK	TeenNick		181
FTRAE	TeleFutura (E) <sup>1</sup>		271
FTRAW	TeleFutura (W) <sup>1</sup>	<b>HD</b>	272
<b>truTV</b>	<b>truTV</b>	<b>HD</b>	<b>204</b>
TCM	Turner Classic Movies		132
UNVSN	Univision (E)	<b>HD</b>	270
UNVSW	Univision (W)		828
UDEP	Univision Deportes Network		869

#### General Channels<sup>1</sup>

<b>BABY1</b>	<b>BabyFirstTV</b>	<b>9400</b>
<b>BLOCK</b>	<b>Blockbuster Studio Channel</b>	<b>102</b>
<b>BYUTV</b>	<b>BYUTV</b>	<b>9403</b>
CTN	Christian Television Network	267
ARTS	Classic Arts Showcase	9406
CSPAN	C-SPAN	210
<b>DN101</b>	<b>DISH 101</b>	<b>101</b>
EARTH	DISH Earth	287
HOME	DishHOME (not available on Hopper)	100
ENLCE	Enlace	9411
EWLN	Eternal Word Television <sup>SAP</sup>	281
<b>PREVW</b>	<b>Free Preview Guide</b>	<b>103</b>

#### Local Networks

2-70



#### Regional Sports Networks<sup>1</sup>

Hopper	412
All other receivers	409-437

**HD** - Channels are broadcast in SD and HD unless noted as **HD ONLY**. To view channels broadcast in HD, you need an HD TV, a DISH HD receiver, and a DISH HD add-on package.

**BOLD** - Channels in bold are some of our most popular channels. <sup>SAP</sup> - Spanish audio feed available. Audio disponible en español. Available on select HD channels.

### America's Top 250

includes all of America's Top 200 and the channels listed below.

<b>BIO</b>	<b>Bio</b>	<b>HD</b>	<b>119</b>
<b>BITV</b>	<b>Bloomberg Television</b>	<b>HD</b>	<b>203</b>
BOOM	Boomerang <sup>SAP</sup>		175
CHILR	Chiller		199
CLOO	cloo		198
COOK	Cooking Channel	<b>HD</b>	113
AMERI	Destination America	<b>HD</b>	194
<b>DIY</b>	<b>DIY</b>	<b>HD</b>	<b>111</b>
<b>ENCOR</b>	<b>Encore (E)</b>	<b>HD ONLY</b>	<b>340</b>
ENCRW	Encore (W) <sup>SAP</sup>		341
EACTN	Encore Action		343
EDRAM	Encore Drama		345
ENFAM	Encore Family		347
ELOVE	Encore Love		348
ESUSP	Encore Suspense		344
EWSTN	Encore Westerns		342
EPXDR	EPiX DRIVE-IN <sup>SAP</sup>		292
FOXMO	Fox Movie Channel		133
FSC	Fox Soccer Channel	<b>HD</b>	406
FUEL	FUEL TV		398
GMC	gmc		188
GAC	Great American Country (GAC)		155
H2	H2	<b>HD</b>	121
<b>HMC</b>	<b>Hallmark Movie Channel</b>	<b>HD</b>	<b>187</b>
<b>MIL</b>	<b>Military Channel</b>	<b>HD</b>	<b>195</b>
MPLEX	MoviePlex		377
MUN2	mun2		838
<b>NATGW</b>	<b>Net Geo WILD</b>	<b>HD</b>	<b>190</b>
NBCSP	NBC Sports Network		159
<b>NICKT</b>	<b>Nicktoons Network</b>	<b>HD</b>	<b>178</b>
OTDCH	Outdoor Channel		396
RURAL	Rural TV		232
<b>SPMAN</b>	<b>Sportsman Channel</b>	<b>HD</b>	<b>395</b>
TENIS	Tennis Channel	<b>HD</b>	400
TMC-W	The Movie Channel (W) <sup>SAP</sup>		329
VERIA	Veria	<b>HD</b>	218
VH1C	VH1 Classic		163
<b>DISH Music Channels</b>			98
Hopper			923-948
All other receivers			923-948

<b>FSTV</b>	<b>Free Speech TV</b>	<b>9415</b>
KBS	KBS World <sup>1</sup>	9384
KTV	Kids & Teens Television (KTV)	284
LINK	Link TV	9410
NASA	NASA	212
<b>ONPPV</b>	<b>Pay-Per-View Guide</b>	<b>500</b>
PNTGN	Pentagon	9405
TBN	TBN	260
IMPCT	The Impact Network	9397
3ABN	Three Angels Broadcasting Network	9393
VME	V-ME	9414

#### Pay-Per-View

MOVIE	DISH Cinema	1
MOVIE	DISH Cinema	500-558
SPORT	Sports & Events	454-472

1. Channel availability based on one or more of the following: geographical location, time zone, programming package, dish antenna. <sup>SAP</sup> - Spanish audio feed available. Audio disponible en español. Available on select HD channels.

### Smart Pack

<b>ALIVE</b>	<b>America Live</b>	<b>219</b>
<b>ANGEL</b>	<b>Angel One</b>	<b>282</b>
<b>ANGEL2</b>	<b>Angel Two</b>	<b>268</b>
<b>APL</b>	<b>Animal Planet</b>	<b>184</b>
<b>BIO</b>	<b>Bio</b>	<b>119</b>
<b>BITV</b>	<b>Bloomberg Television</b>	<b>203</b>
BOOM	Boomerang <sup>SAP</sup>	175
<b>BUY!</b>	<b>Buy!</b>	<b>221</b>
<b>CRSSN</b>	<b>CBS Sports Network</b>	<b>158</b>
<b>CCTVE</b>	<b>CCTV-E</b>	<b>884</b>
CCNEW	CCTV-News	265
<b>COOK</b>	<b>Cooking Channel</b>	<b>113</b>
CSPN2	C-SPAN2	211
DYSTR	Daystar	263
<b>DIY</b>	<b>DIY</b>	<b>111</b>
DOC	Documentary Channel	197
<b>FOOD</b>	<b>Food Network</b>	<b>110</b>
<b>FXNWS</b>	<b>FOX News Channel</b>	<b>205</b>
GEMS	Gems and Jewelry	229
GAC	Great American Country (GAC)	165
<b>HLMRK</b>	<b>Hallmark Channel</b>	<b>185</b>
<b>HMC</b>	<b>Hallmark Movie Channel</b>	<b>187</b>
HLN	HLN	202
HSN	HSN	84
HSN2	HSN2	226
HUB	Hub	179
ICTV	In Country Television	230
JTV	Jewelry Television	227
MALL	Mall	220
<b>NICK</b>	<b>Nick/Nick at Nite (E)</b>	<b>170</b>
<b>NICKW</b>	<b>Nick/Nick at Nite (W)</b>	<b>171</b>
<b>NICKT</b>	<b>Nicktoons Network</b>	<b>178</b>
OTDCH	Outdoor Channel	396
QVC	QVC	137
RFDTV	RFD-TV	231
SALE	Sale	225
<b>SCI</b>	<b>Science</b>	<b>193</b>
SHOP	shop	224
SHNBS	ShopNBC	228
<b>TVLND</b>	<b>TV Land</b>	<b>106</b>
TWC	Weather Channel	214



For the most up-to-date Channel Lineup Card, please visit [mydish.com/channelcard](http://mydish.com/channelcard).





## CHANNELS AND PACKAGES

### Premium Movie Packages

#### HBO

HBO-E	HBO (E) SAP	HD	300
HBO2E	HBO2 (E) SAP	HD	301
HBO5G	HBO Signature SAP	HD	302
HBO-W	HBO (W) SAP	HD	303
HBO2W	HBO2 (W) SAP		304
HBOFM	HBO Family SAP	HD	305
HBOCY	HBO Comedy SAP	HD	307
HBOZ	HBO Zone	HD	308
HBO LT	HBO Latino	HD	309

#### CINEMAX

MAX-E	Cinemax (E) SAP	HD	310
MAX-W	Cinemax (W) SAP	HD	311
MOMAX	MoreMAX SAP		312
ACMAX	ActionMAX SAP	HD	313
5-MAX	5StarMAX SAP	HD	314

#### SHOWTIME

SHO-E	Showtime (E) SAP	HD	318
SHO-W	Showtime (W) SAP	HD	319
SHOTO	Showtime 2 SAP	HD	320
SHOCS	Showtime Showcase SAP	HD	321
SHOEX	Showtime Extreme SAP		322
SBYND	Showtime Beyond SAP		323
TMC-E	The Movie Channel (E) SAP	HD	327
TMCXE	The Movie Channel xtra (E) SAP		328
FLIX	FLIX		333

#### STARZ

ENCOR	Encore (E) SAP	HD	340
STARZ	Starz (E) SAP	HD	350
STRZW	Starz (W) SAP	HD	351
SEDGE	Starz Edge SAP	HD	352
SCINE	Starz Cinema SAP		353
STZC	Starz Comedy	HD	354
SBLOCK	Starz InBlack SAP		355
SK&FM	Starz Kids & Family SAP	HD	356

### Mini-Packs

#### EPIX

EPIX1	EPIX 1 SAP	HD	380
EPIX2	EPIX 2 SAP	HD	381
EPIX3	EPIX 3 SAP	HD	382
EPXDR	EPIX DRIVE-IN SAP		292

#### Movie Pak

ENCRW	Encore (W) SAP		341
EACTN	Encore Action		343
EDRAM	Encore Drama		345
ENFAM	Encore Family		347
ELOVE	Encore Love		348
ESUSP	Encore Suspense		344
EWSTN	Encore Westerns		342
MPLEX	MoviePlex		377

### Mini-Packs

#### Blockbuster @Home

100,000 movies, shows and games by mail, thousands of titles streamed to your TV with an HD DVR connected to broadband Internet, 25,000 titles available on dishonline.com.

CTRC	Centric	HD	371
CI	Crime & Investigation	HD	388
ESUSP	Encore Suspense		344
EPIX1	EPIX SAP	HD	380
EPIX2	EPIX2 SAP	HD	381
EPIX3	EPIX3 SAP	HD	382
HMC	Hallmark Movie Channel	HD	187
HONMV	HDNet Movies	HD	383
INDIE	IndiePlex	HD	378
LOGO	LOGO	HD	373
MAVTV	MAVTV American Real	HD	361
MGM	MGM	HD	385
MPLEX	MoviePlex		377
PLDIA	Palladia	HD	388
PIXL	PixL	HD	388
RETRO	RetroPlex	HD	379
SMC	Sony Movie Channel	HD	386
SCINE	Starz Cinema		353
UNIHD	Universal HD	HD	366
VLCTY	Velocity	HD	364
WFN	World Fishing Network		394

#### Heartland

BABY	Baby TV SAP		824
GMC	gmc		188
GSN	GSN	HD	116
HLMRK	Hallmark Channel	HD	185
HMC	Hallmark Movie Channel	HD	187
HUB	Hub	HD	179
OWN	OWN: Oprah Winfrey Network	HD	189
PIXL	PixL SAP	HD	388
RFDTV	RFD-TV	HD	231
RURAL	Rural TV		232

#### Outdoor Sports

MAVTV	MAVTV American Real HD	HD	361
OTDCH	Outdoor Channel		396
SPMAN	Sportsman Channel	HD	395
WFN	World Fishing Network		394

#### Multi-Sport

ESPCL	ESPN Classic		143
FSC	Fox Soccer Channel	HD	406
FUEL	FUEL TV		398
MLBN	MLB Network	HD	152
MLBSZ	MLB Network Strike Zone		153
NFL	NFL Network	HD	154
NFLRZ	NFL RedZone	HD	155
NBATV	NBA TV	HD	156
NHLN	NHL Network	HD	157
USN	Universal Sports		402

Plus over 25 Regional Sports Networks

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[twitter.com/dish](https://twitter.com/dish)

[DISH 101 - Support Channel \(Ch. 101\)](https://dish101.com)



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## **EXHIBIT 2**

xfinity®

**XFINITY® TV**  
Channel Line up



**Effective August 2012**

Cimarron

NM-017

comcast



## XFINITY® TV

### Limited Basic

Limited Basic		28	HGTV
		29	E!
2	KASA (Fox)	30	ESPN 2
3	KNME (PBS)	31	VH1
4	KOB (NBC)	32	CMT
6	Discovery Channel	33	NBC Sports Network
8	KOAT (ABC)	34	EWTN
9	QVC	35	Food Network
10	ESPN	36	Hallmark Channel
11	Spike	37	KWBQ (CW)
12	CNN	38	KASY (My Network TV)
13	KRQE (CBS)		
15	CNBC		
16	TNT		
17	ABC Family		
18	KLUZ		
19	Animal Planet		
20	Disney Channel		
21	MTV		
22	USA Network		
23	Lifetime		
24	Cartoon Network		
25	TLC		
26	TBS		
27	Nickelodeon		

Premium Services	
Starz	
14	Encore West
HBO	
5	HBO West
Cinemax	
7	Cinemax West

### Premium Services

#### Starz

14 Encore West

#### HBO

5 HBO West

#### Cinemax

7 Cinemax West

A minimum subscription to Limited Basic is required to receive other services or other levels of video programming. HD programming is only available to customers with an HDTV set (not provided by Comcast) and a digital converter with HDTV capabilities. A subscription to certain services may be required to receive certain HD programming. A monthly HD Technology fee is also required to receive HD programming. 3D programming is only available to customers with a minimum subscription to the Digital Starter package, a full 3D HDTV set (not provided by Comcast) and a digital converter with 3D/HD capabilities. A monthly 3D Technology fee and a monthly HD Technology fee are required to receive 3D programming. Channel offerings and required service levels are subject to change. Please contact 1-800-XFINITY with questions.

### **EXHIBIT 3**





Jan 12, 2012

Davis Wright Tremaine LLP  
1919 Pennsylvania Avenue, N.W.  
Suite 800  
Washington, DC 20006

To Whom It May Concern:

Media Business Corporation ("MediaBiz") utilizes a multi-step process to accurately identify cable client franchise areas and associated ZIP and ZIP+4 Codes. (A ZIP+4 Code includes the five digits of the United States Postal Service ZIP Code, a hyphen, and four more digits that determine a more precise location than the ZIP Code.)

MediaBiz developed this methodology to address the potential shortcomings in utilizing 5-digit ZIP Code data for "Effective Competition" petitions. This basic methodology has been in place for several years and has been used successfully in many Effective Competition cases at the FCC.

Because ZIP Codes and municipal boundaries are created and managed by different government authorities, the boundaries of ZIP Codes and municipal boundaries often overlap. ZIP Codes frequently span between and beyond municipal boundaries. ZIP+4 Codes, however, usually reside in one and only one municipality. MediaBiz uses Place, Minor Civil Division (MCD), and County boundaries from Dynamap®, a division of Pitney Bowes Business Insight, to determine municipal boundaries. MediaBiz uses the Dynamap® ZIP+4 Centroids database, which contains ZIP+4 centroid correspondence for virtually all deliverable ZIP+4s, to identify ZIP+4 Codes within municipal boundaries, among the over 60 million ZIP+4s in all 50 states, DC, and Puerto Rico, based on current data from the USPS and the U.S. Bureau of the Census, and the Tele Atlas master street database.

MediaBiz then utilizes its ZIP+4 Code mapping to enable our clients to obtain proper "Direct-to-Home" (DTH) subscriber counts for their respective franchise areas by tracking DTH subscribers at the ZIP+4 Code level. (Where MediaBiz determines that a ZIP Code falls entirely within a franchise area, however, it is unnecessary to identify DTH subscribers at the ZIP+4 Code level for that 5-digit ZIP Code. In these instances, MediaBiz identifies such 5-digit ZIP Codes and, accordingly, DTH subscribers are identified by the 5-digit ZIP Code only.

Only ZIP+4 Codes that meet specific criteria are included in this report. The following criteria must be met:

- The centroid of the ZIP+4 Code is within the franchise area; and
- The USPS ZIP+4 Record Type (from Dynamap® ZIP+4 Centroids) is either H - high-rise or S - street

Our methodology has been used by many multiple system operators (MSOs) as part of their Effective Competition relief efforts, and we believe this methodology produces the most accurate and detailed view of ZIP+4 data as it relates to cable franchise areas.

  
Robert Lehmann  
President

MediaBiz

## **EXHIBIT 4**

## ECTR – Effective Competition Tracking Report



Provided by  
Satellite Broadcasting and Communications Association

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Pursuant to Section 76.907(c) of the FCC Rules, and your effective competition tracking request dated January 9, 2012 please find the following Direct-to-Home (DTH) satellite subscriber numbers per zip code (and/or zip+4 where necessary). The provision and use of this Effective Competition Tracking Report is governed by and subject to the terms and conditions of the Agreement for Provision and Use of Confidential Data, between your company and SBCA.

Report Date: July 5, 2012

ZIP Codes

DTH Count

Requested total for Cimarron, NM	194
----------------------------------	-----

Data is current through 5/31/2012

Report Prepared by:  
Martin Esteves  
Manager, Membership and Data Management  
202-349-3630  
mesteves@sbca.org

Methodology: Direct-To-Home (DTH) subscriber data reflects aggregated DIRECTV and DISH Network residential subscriber totals. The following data collection procedures are applied by Members in the normal course of business: a) single accounts with multiple receivers are only counted once; b) commercial and test accounts are not included; c) each occupied unit served in a multiple dwelling unit building has been counted as a separate residential subscriber; d) zip codes are taken from service locations (not billing addresses, where different); e) inactive accounts are routinely removed; f) invalid (undeliverable) addresses have been corrected where known; g) courtesy or complimentary accounts are included; and h) zip code information for Members' subscribers is periodically updated to reflect changes to zip codes by the United States Postal Service.

; oldest data from 2012-05-31

877144004	0
877144006	4
877144007	0
877144008	0
877144009	0
877144010	0
877144011	2
877144013	1
877144014	0
877144015	4
877144017	1
877144018	0
877144019	1
877144020	1
877144021	0
877144022	4
877144023	1
877144025	0
877145000	3
877148500	0
877148501	0
877148502	1
877148503	0
877148505	0
877148507	0
877148508	2
877149400	0
877149401	1
877149600	8
877149601	11
877149602	4
877149603	6
877149604	1
877149605	2
877149608	7
877149609	5
877149610	7
877149611	0
877149613	3
877149614	2
877149616	0
877149617	1
877149619	0
877149620	0
877149621	0
877149622	0
877149623	1
877149624	2
877149625	0
877149626	0
877149627	2

877149628	1
877149629	0
877149630	2
877149631	2
877149632	1
877149643	3
877149644	1
877149645	9
877149646	4
877149647	4
877149648	9
877149649	1
877149650	1
877149651	1
877149652	1
877149653	0
877149654	4
877149655	2
877149656	0
877149657	3
877149658	0
877149659	1
877149660	1
877149661	2
877149662	1
877149663	2
877149665	1
877149666	2
877149668	2
877149669	3
877149670	1
877149671	1
877149672	0
877149673	0
877149674	1
877149675	2
877149676	1
877149678	2
877149679	1
877149680	5
877149681	2
877149682	7
877149685	1
877149686	1
877149687	0
877149690	0
877149691	1
877149692	0
877149693	5
877149694	2
877149695	0
877149696	2



877149697	1
877149698	0
877149699	1
877149712	0
877149725	0
877149726	1
877149727	1
877149735	1
877149737	2
877149998	0
Total	194

## **EXHIBIT 5**

## U.S. Census Bureau



H1

**OCCUPANCY STATUS****Universe: Housing units****2010 Census Redistricting Data (Public Law 94-171) Summary File**

NOTE: For information on confidentiality protection, nonsampling error, and definitions, see  
<http://www.census.gov/prod/cen2010/pl94-171.pdf>

NOTE: Change to the California, Connecticut, Mississippi, New Hampshire, Virginia, and Washington P. L. 94-171  
Summary Files as delivered.

		<b>Cimarron village, New Mexico</b>
1	Total:	545
3	Occupied	457
3	Vacant	88

Source: U.S. Census Bureau, 2010 Census.

## **EXHIBIT 6**

	A	B	C	D	E
					<b>% of DBS Penetration In Franchise Area Column C / Column D</b>
<b>1</b>	<b>Community</b>	<b>State</b>	<b>Total DBS Subscribers</b>	<b>2010 Census Data Occupied Housing Units</b>	
<b>2</b>	Cimarron	NM	194	457	42.45%


## CERTIFICATE OF SERVICE

I, Deborah D. Williams, do hereby certify on this 11<sup>th</sup> day of August, 2012 that a true and correct copy of the foregoing "Petition for Special Relief" has been sent via U.S. mail, postage prepaid to the following:

Mayor Todd Smith  
Village of Cimarron  
P.O. Box 654  
Cimarron, NM 87714

Marlene H. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

William Lake, Chief, Media Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

  
Deborah D. Williams